INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

CASE NUMBER: **IV 2323173**

SUBJECTS: **Alexander Guerrero, Deputy Sheriff, #[redacted]**
[redacted] Custody Assistant, #[redacted]
[redacted] Sergeant, #[redacted]

UNIT: **Twin Towers Correctional Facility**

DATE/TIME: **June 29, 2011, 1945 hours**

LOCATION: **Twin Towers Correctional Facility, 450 Bauchet Street, Los Angeles, California, 90012**

ALLEGATIONS:

It is alleged, during the course of an internal criminal investigation involving former Deputy [redacted] (herein referred to as [redacted]), Subject Guerrero, Subject [redacted] and Subject [redacted] made false statements and wrote false reports related to a use of force incident.

SYNOPSIS:

On June 11, 2012, Internal Criminal Investigations Bureau (ICIB) conducted an investigation regarding previous use of force incidents involving [redacted] On October 10, 2012, ICIB reviewed a force incident that occurred on June 29, 2011, at 1945 hours **[Exhibit A]**. ICIB's file number is 912-00168-2003-441. The result of the investigation led to the criminal prosecution of [redacted].

IAB Note: **The force incident occurred within Twin Towers Correctional Facility (TTCF). The incident was documented under file #911-00578-5800-145 [Exhibit A, pages 63-82]. In this incident, Subject [redacted] and [redacted] used force against Inmate [redacted] (Witness [redacted]). Witness [redacted] was waist-chained and handcuffed. Subject [redacted] and [redacted] wrote reports on their involvement in the force. Subject Guerrero witnessed force, but did not write a report.**

On October 10, 2012, Subject [redacted] was interviewed by ICIB investigators regarding his involvement in the force incident that occurred on June 29, 2011. During the interview, Subject [redacted] admitted to falsifying his supplemental report related to the incident. Subject [redacted] wrote a supplemental report which indicated he observed Witness [redacted] attempt to kick [redacted] in the groin. Subject [redacted] told ICIB investigators he never observed Witness [redacted] attempt to kick [redacted] **[Refer to Subject [redacted] transcribed ICIB interview, pages 12-14; Subject [redacted]' transcribed IAB interview, pages 6-10; Exhibit A, page 7; Exhibit C, pages, 68-71]**.

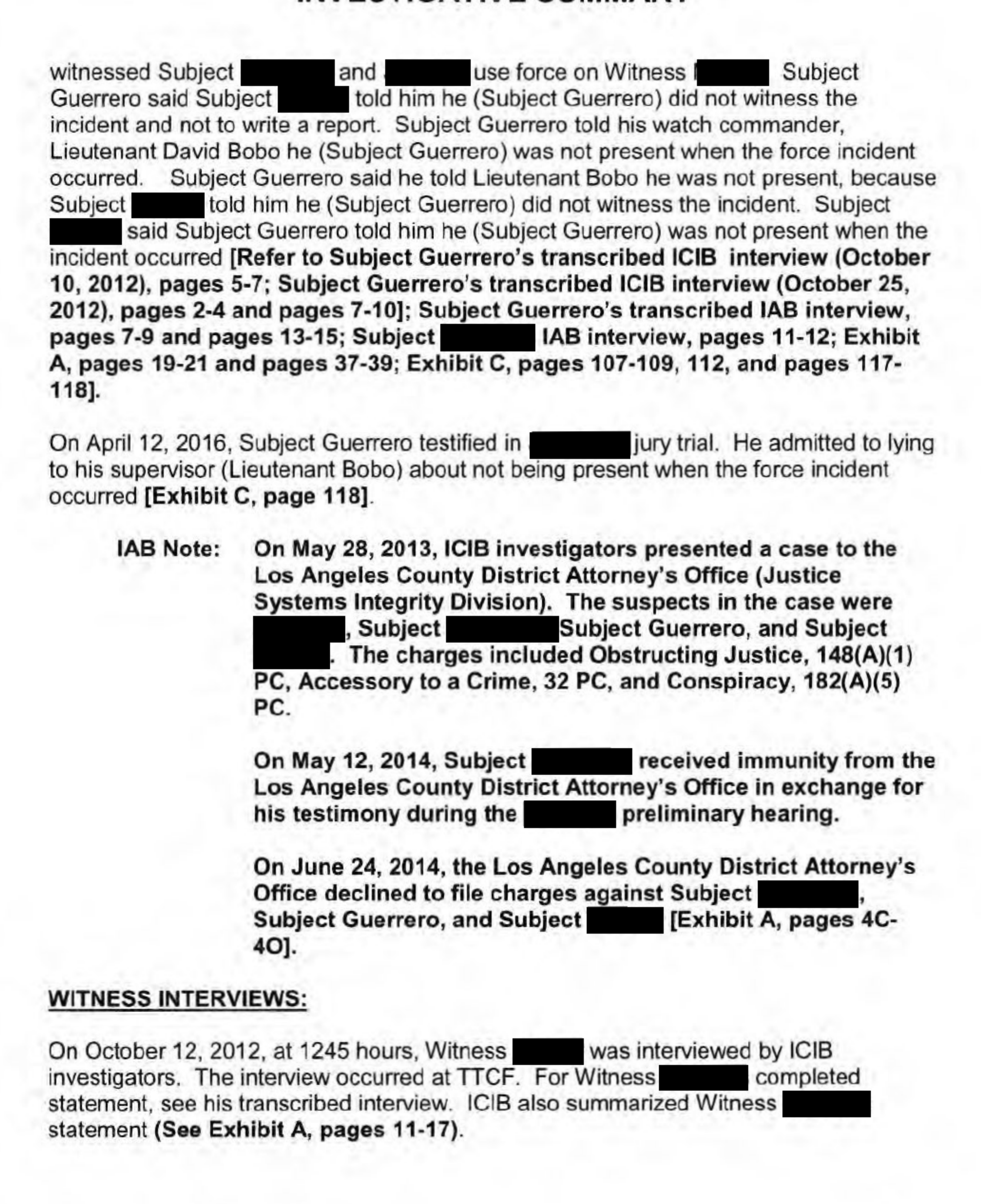
When the force incident occurred, Subject [redacted] observed [redacted] Strike Witness [redacted] in the face. Witness [redacted] was waist-chained and handcuffed. Witness [redacted] fell to the floor after being hit. [redacted] got on top of Witness [redacted] and punched him two-five additional times in the face **[Refer to Subject [redacted] transcribed ICIB interview, pages 19-20, Subject [redacted] transcribed IAB interview, pages 4 and 10-11; Exhibit A, page 8; Exhibit B, pages 57-59; Exhibit C, pages 68-69]**.

Subject [redacted] indicated in his supplemental report, he observed [redacted] strike Witness [redacted] once in the face. Witness [redacted] fell to the ground **[Exhibit A, page 75]**. During the initial portion of Subject [redacted]' ICIB interview, Subject [redacted] said Witness [redacted] was punched once in the face. Later, in the same interview, Subject [redacted] told ICIB investigators he observed [redacted] strike Witness [redacted] two-four additional times in the face, while Witness [redacted] was on the ground. Subject [redacted] said he was told by his immediate supervisor (Subject [redacted]) not to mention he (Subject [redacted]) observed [redacted] strike Witness [redacted] while Witness [redacted] was on the ground **[Refer to Subject [redacted]' transcribed ICIB interview, pages 6-8, 14, 18,and page 20; Subject [redacted]' transcribed IAB interview, pages 13-14; Exhibit B, pages 57-59]**.

On May 12, 2014, Subject [redacted] testified in [redacted] preliminary hearing. During his testimony in the preliminary hearing, Subject [redacted] admitted to falsifying his supplemental report **[Exhibit B, page 62]**.

On April 12, 2016, Subject [redacted] testified in [redacted] jury trial. During the jury trail, Subject [redacted] again admitted to falsifying his supplemental report **[Exhibit C, pages 70-71]**.

On October 10, 2012, at 1410 hours, investigators from ICIB interviewed Subject Guerrero. Subject Guerrero told ICIB investigators he was a witness to the force incident that occurred on June 29, 2011, but he did not write a report. When the incident occurred, Subject Guerrero told Subject [redacted] he (Subject Guerrero)



witnessed Subject [redacted] and [redacted] use force on Witness [redacted] Subject Guerrero said Subject [redacted] told him he (Subject Guerrero) did not witness the incident and not to write a report. Subject Guerrero told his watch commander, Lieutenant David Bobo he (Subject Guerrero) was not present when the force incident occurred. Subject Guerrero said he told Lieutenant Bobo he was not present, because Subject [redacted] told him he (Subject Guerrero) did not witness the incident. Subject [redacted] said Subject Guerrero told him he (Subject Guerrero) was not present when the incident occurred **[Refer to Subject Guerrero's transcribed ICIB interview (October 10, 2012), pages 5-7; Subject Guerrero's transcribed ICIB interview (October 25, 2012), pages 2-4 and pages 7-10]; Subject Guerrero's transcribed IAB interview, pages 7-9 and pages 13-15; Subject [redacted] IAB interview, pages 11-12; Exhibit A, pages 19-21 and pages 37-39; Exhibit C, pages 107-109, 112, and pages 117-118].**

On April 12, 2016, Subject Guerrero testified in [redacted] jury trial. He admitted to lying to his supervisor (Lieutenant Bobo) about not being present when the force incident occurred **[Exhibit C, page 118]**.

IAB Note: On May 28, 2013, ICIB investigators presented a case to the Los Angeles County District Attorney's Office (Justice Systems Integrity Division). The suspects in the case were [redacted], Subject [redacted] Subject Guerrero, and Subject [redacted]. The charges included Obstructing Justice, 148(A)(1) PC, Accessory to a Crime, 32 PC, and Conspiracy, 182(A)(5) PC.

On May 12, 2014, Subject [redacted] received immunity from the Los Angeles County District Attorney's Office in exchange for his testimony during the [redacted] preliminary hearing.

On June 24, 2014, the Los Angeles County District Attorney's Office declined to file charges against Subject [redacted], Subject Guerrero, and Subject [redacted] [Exhibit A, pages 4C-4O].

<u>WITNESS INTERVIEWS:</u>

On October 12, 2012, at 1245 hours, Witness [redacted] was interviewed by ICIB investigators. The interview occurred at TTCF. For Witness [redacted] completed statement, see his transcribed interview. ICIB also summarized Witness [redacted] statement **(See Exhibit A, pages 11-17)**.

Witness [redacted] said on June 29, 2011, he was sitting on the floor eating within the TTCF (Tower One Transfer Center). Witness [redacted] was waist-chained with one wrist handcuffed to each side of his body. Subject Guerrero came from the booth (Tower one Transfer Center) and approached Witness [redacted] Subject Guerrero told Witness [redacted] to get off the floor and sit on the bench. Witness [redacted] complied. [redacted] later approached Witness [redacted] and told him to stand up. As Witness [redacted] was attempting to stand, [redacted] punched him in the right cheek. Witness [redacted] fell off the bench and landed on the floor. Witness [redacted] said [redacted] struck him in the face approximately four additional times while he (Witness [redacted] was on the ground. Witness [redacted] said Subject Guerrero watched as he (Witness [redacted]) was being struck by [redacted] **[Refer to Witness [redacted] transcribed ICIB interview, pages 2-4, 6, and page 13]**.

IAB Note: **On April 12, 2016, Witness [redacted] testified in [redacted] jury trial [Exhibit C, pages 2-56].**

Witness [redacted] Witness [redacted] is serving his sentence at the California Medical Facility in Vacaville, California.

On March 16, 2017, at 1553 hours, IAB investigators attempted to interview Witness [redacted] telephonically. Witness [redacted] declined to participate in an interview.

SUBJECT INTERVIEWS:

Subject [redacted]

On October 10, 2012, at 1130 hours, Subject [redacted] was interviewed by ICIB investigators. The interview occurred at TTCF. ICIB investigators summarized their interview. **See Exhibit A, pages 6-9**. For Subject [redacted]' complete statement, see his transcribed ICIB interview

On March 21, 2017, at 1025 hours, Subject [redacted] was interviewed by IAB investigators. The interview occurred at IAB. For Subject [redacted]' complete statement, see his transcribed IAB interview.

Following is a summary of Subject [redacted]' IAB interview:

On June 29, 2011, at 1945 hours, Subject [redacted] was involved in a force incident with [redacted] and Witness [redacted] On the same date, Subject [redacted] wrote a supplemental report regarding the incident **[Exhibit A, page 75]**.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

Subject [redacted] indicated in his report he observed Witness [redacted] attempt to kick [redacted] in the groin. During his interview with ICIB investigators on October 10, 2012, Subject [redacted] initially told ICIB investigators he observed Witness [redacted] attempt to kick [redacted]. During the same ICIB interview, Subject [redacted] recanted his statement. Subject [redacted] told ICIB investigators he did not observe Witness [redacted] attempt to kick [redacted]. Subject [redacted] said the report he wrote on June 29, 2011, regarding the force incident was not factual. Subject [redacted] stated in the beginning of his ICIB interview, he was not truthful with ICIB investigators when he was asked if his report was accurate **[Refer to Subject [redacted] transcribed IAB interview, pages 6-10]**.

Subject [redacted] also documented in his supplemental report he observed [redacted] strike Witness [redacted] once in the face. Subject [redacted] said his report was not factual, because he observed [redacted] strike Witness [redacted] two-five additional times in the face, while Witness [redacted] was on the ground. Subject [redacted] reported what he observed to his immediate supervisor, Subject [redacted]. Subject [redacted] stated Subject [redacted] told him not to document he (Subject [redacted]) observed Witness [redacted] being struck while on the ground. Subject [redacted] did not document everything he witnessed, because he was following Subject [redacted] order **[Refer to Subject [redacted] transcribed IAB interview, pages 10-14]**.

IAB Note: Subject [redacted] told ICIB investigators [redacted] struck Witness [redacted] once in the face while he (Witness [redacted]) was standing. Subject [redacted] also told ICIB investigators he did not observe Witness [redacted] being struck while he (Witness [redacted]) was on the ground [Refer to Subject [redacted] transcribed ICIB interview pages 7-8 and page 18].

In Subject [redacted] ICIB interview on October 10, 2012, Subject [redacted] stated Subject Guerrero was also present when the force incident occurred. Subject [redacted] said he did not observe Subject Guerrero's actions during the incident [Refer to Subject [redacted] transcribed ICIB interview, pages 15-16].

On May 12, 2014, Subject [redacted] testified in [redacted] preliminary hearing **[Exhibit B]**. During Subject [redacted] testimony, he admitted to writing a false police report **[Exhibit B, page 62]**.

On April 12, 2016, Subject [redacted] testified in [redacted] jury trail **[Exhibit C]**. During Subject [redacted] testimony, he admitted to writing an untruthful and inaccurate report **[Exhibit C, pages 70-71]**.

Subject Alexander Guerrero

On October 10, 2012, at 1412 hours, Subject Guerrero was interviewed by ICIB investigators. The interview occurred at TTCF. ICIB summarized Subject Guerrero's statement **[Exhibit A, pages 19-22]**. For Subject Guerrero's complete statement, see his transcribed ICIB interview.

On October 25, 2012, at 1031 hours, ICIB investigators conducted an additional interview with Subject Guerrero. The interview occurred at Sheriff's Headquarters Bureau. ICIB summarized Subject Guerrero's statement **[Exhibit A, pages 36-45]**. For Subject Guerrero's complete statement, see his transcribed ICIB interview.

On March 7, 2017, at 1045 hours, Subject Guerrero was interviewed by IAB investigators. The interview occurred at IAB. For Subject Guerrero's complete statement, see his transcribed IAB interview.

Following is a summary of Subject Guerrero's IAB interview:

Subject Guerrero said on June 29, 2011, at approximately 1945 hours, he was working at the Tower One Transfer Center within TTCF. Subject Guerrero walked down the hallway, near the Tower One Clinic, toward the restroom. Prior to arriving at the restroom, he heard a slapping sound, as if a body hit the floor. Subject Guerrero turned around and observed [redacted] and Subject [redacted] on top of Witness [redacted] Subject Guerrero walked at a fast pace toward [redacted], Subject [redacted] and Witness [redacted] Witness [redacted] was on the floor waist-chained and handcuffed. [redacted] controlled Witness [redacted] torso by using his ([redacted] body weight. Subject [redacted] used his (Subject [redacted] body weight to hold Witness [redacted] egs. Subject Guerrero observed [redacted] raise his arm, as if he was about to strike Witness [redacted] Subject Guerrero did not witness [redacted] actually strike Witness [redacted] Subject Guerrero said he gave a different version of the incident to ICIB investigators, because he was not prepared for their interview, and was dealing with personal problems **[Refer to Subject Guerrero's transcribed IAB interview, pages 3-4]**.

> **IAB Note:** **On October 10, 2012, Subject Guerrero told ICIB investigators when he heard the slapping sound, he was on a computer inside the control booth (Tower One Transfer Center) with Subject [redacted]. Subject Guerrero said he and Subject [redacted] left the control booth together to assist [redacted] Subject Guerrero also told ICIB investigators, he observed [redacted] strike Witness [redacted] once in the face while Witness [redacted] was on the ground [Refer to Subject Guerrero's transcribed ICIB interview, pages 5-6].**

> **On October 25, 2012, Subject Guerrero told ICIB investigators he was sitting inside the Tower One Transfer Center with Subject [redacted]. Subject Guerrero heard a slapping sound and looked out of the window. He observed [redacted] on the ground with Witness [redacted] Subjects Guerrero and [redacted] went to assist [redacted]. Subject Guerrero said he observed [redacted] raise is arm, as if he was about to strike Witness [redacted] Subject Guerrero did not observe [redacted] strike Witness [redacted], because Subject Guerrero's view was blocked by Subject [redacted] Refer to Subject Guerrero's transcribed ICIB interview, pages 2-3].**

Subject Guerrero said while [redacted] and Subject [redacted] were restraining Witness [redacted] on the ground, Witness [redacted] lifted his head violently, as if he was attempting to head-butt [redacted]. Witness [redacted] subsequently became un-resistive **[Refer to Subject Guerrero's transcribed IAB interview, pages 5, 7-8, and page 15].**

Subject [redacted] responded to their location. Subject Guerrero told Subject [redacted] he (Subject Guerrero) was not directly involved in the force. Subject Guerrero advised Subject [redacted] he (Subject Guerrero) observed [redacted] and Subject [redacted] on top of Witness [redacted]. Subject Guerrero also advised Subject [redacted] he (Subject Guerrero) did not observe Witness [redacted] being struck, but he observed control holds used on Witness [redacted]. Subject Guerrero did not write a report on the force he witnessed, because Subject [redacted] told him to "stay out and let [redacted] and [redacted] handle the paper." Subject Guerrero said he was aware of the Department's force policy regarding reporting force **[Refer to Subject Guerrero's transcribed IAB interview, pages 6-9 and pages 19-20].**

Approximately twenty minutes after the force incident, Subject Guerrero was approached by Lieutenant Bobo (watch commander). Subject Guerrero told Lieutenant Bobo he (Subject Guerrero) was not involved in the force incident. Subject Guerrero did not tell Lieutenant Bobo what he observed, because Subject Guerrero acted on Subject [redacted] instruction, by saying he (Subject Guerrero) was not involved **[Refer to Subject Guerrero's transcribed IAB interview, pages 13-14].**

IAB Note: **During Subject Guerrero's ICIB interview on October 10, 2012, he stated he was approached by Lieutenant Bobo. Lieutenant Bobo asked Subject Guerrero if he (Subject Guerrero) witnessed the incident. Subject Guerrero told Lieutenant Bobo he (Subject Guerrero) was not present when the incident occurred. Subject Guerrero said he told Lieutenant Bobo he**

was not present, because he did not agree with the force and wanted to remove himself from the incident [Refer to Subject Guerrero's ICIB interview, pages 7-9].

On June 29, 2011, Lieutenant Bobo conducted a force interview Witness [redacted] [Exhibit D].

On [redacted] Lieutenant Bobo retired from the Los Angeles County Sheriff's Department. IAB investigators attempted to contact Lieutenant Bobo. Voice messages were left on his answering machine. On March 17, 2017, a certified letter was sent to his residence. IAB investigators were not contacted by Lieutenant Bobo.

On October 10, 2012, Subject Guerrero was relieved of duty. On the day he was relieved, he received a text message from Subject [redacted] asking him (Subject Guerrero) to call him. Subject Guerrero called Subject [redacted]. Subject Guerrero said their conversation was casual, as Subject [redacted] checked to see if Subject Guerrero was ok. Subject Guerrero advised Subject [redacted] of the force incident which caused him (Subject Guerrero) to be relieved of duty. Subject Guerrero said they did not discuss his interview with ICIB **[Refer to Subject Guerrero's transcribed IAB interview, pages 20-23].**

IAB Note: **Subject [redacted] transferred from TTCF to West Hollywood Sheriff's Station on [redacted]**

Subject Guerrero did not retain Subject [redacted] text message [Refer to Subject Guerrero's ICIB interview (October 25, 2012), page 17].

Subject [redacted]

On October 17, 2012, at 1433 hours, Subject [redacted] was interviewed by ICIB investigators. The interview occurred at West Hollywood Sheriff's Station. ICIB summarized their interview with Subject [redacted] **[Exhibit A, pages 31-33]**. For Subject [redacted] statement, see his transcribed ICIB interview.

On October 31, 2012, at 1200 hours, ICIB investigators conducted an additional interview with Subject [redacted] The interview occurred at West Hollywood Sheriff's Station. ICIB summarized their interview with Subject [redacted] **[Exhibit A, pages 33-34]**. For Subject [redacted] statement, see his transcribed ICIB interview.

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On March 22, 2017, at 1004 hours, Subject [redacted] was interviewed by IAB investigators. The interview occurred at IAB. For Subject [redacted] complete statement, see his transcribed IAB interview.

Following is a summary of Subject [redacted] IAB interview:

On June 29, 2011, at 1945 hours, Subject [redacted] said he was a supervisor at TTCF. He was notified by Subject [redacted] of a force incident. The force incident involved [redacted], Subject [redacted] and Witness [redacted] Subject [redacted] responded to the Tower One Transfer Center. Upon arriving, Subject [redacted] contacted Witness [redacted]. Witness [redacted] told Subject [redacted] he was struck by [redacted] Subject [redacted] observed Witness [redacted] lying on the ground waist-chained and handcuffed. Witness [redacted] had a cut under his right eye. Subject [redacted] immediately notified Lieutenant Bobo regarding Witness [redacted] injury **[Refer to Subject [redacted] transcribed IAB interview, pages 4-6]**.

Subject [redacted] contacted [redacted] regarding the force incident. [redacted] stated Witness [redacted] sat on a bench within the Tower One Transfer Center. [redacted] approached Witness [redacted] and told him to stand. When Witness [redacted] stood, he attempted to kick [redacted] in the groin. [redacted] told Subject [redacted] he ([redacted]) struck Witness [redacted] once in the face **[Refer to Subject [redacted] transcribed IAB interview, page 7]**.

> **IAB Note: [redacted] report was consistent with the statement given to Subject [redacted] [Exhibit A, pages 63-65]. Subject [redacted] approved [redacted] report.**

Subject [redacted] contacted Subject [redacted] regarding the force incident. Subject [redacted] told Subject [redacted] he (Subject [redacted]) was working the Tower One booth, (Transfer Center). Subject [redacted] observed Witness [redacted] stand up and attempt to kick [redacted] in the groin. [redacted] punched Witness [redacted] once in the face, causing Witness [redacted] to fall to the floor. [redacted] got on top of Witness [redacted] to hold him down, as Witness [redacted] was kicking his feet. Subject [redacted] told Subject [redacted] he assisted by holding Witness [redacted] legs down, while Deputy [redacted] applied the hobble restraint to Witness [redacted] feet **[Refer to Subject [redacted] transcribed IAB interview, page 7]**.

Subject [redacted] statement was consistent with the statement [redacted] gave to Subject [redacted]. Subject [redacted] said Subject [redacted] never told him [redacted] struck Witness [redacted] two-five additional times in the face while Witness [redacted] was on the ground. Subject [redacted] said he never told Subject [redacted] not to include

Witness [redacted] was struck two-five additional times in his (Subject [redacted]) report. Subject [redacted] never advised Subject [redacted] about observing Witness [redacted] being struck while on the ground. Subject [redacted] stated he would have never instructed Subject [redacted] not to put what he (Subject [redacted]) observed in his (Subject [redacted]) supplemental report **[Refer to Subject [redacted] transcribed IAB interview, pages 8-9]**.

Subject [redacted] emailed his report to Subject [redacted] for approval. Subject [redacted] report needed corrections (grammatical errors). Subject [redacted] made corrections to his report, while using Subject [redacted] computer. Subject [redacted] approved Subject [redacted] supplemental report **[Refer to Subject [redacted] transcribed IAB interview, pages 10-11]**.

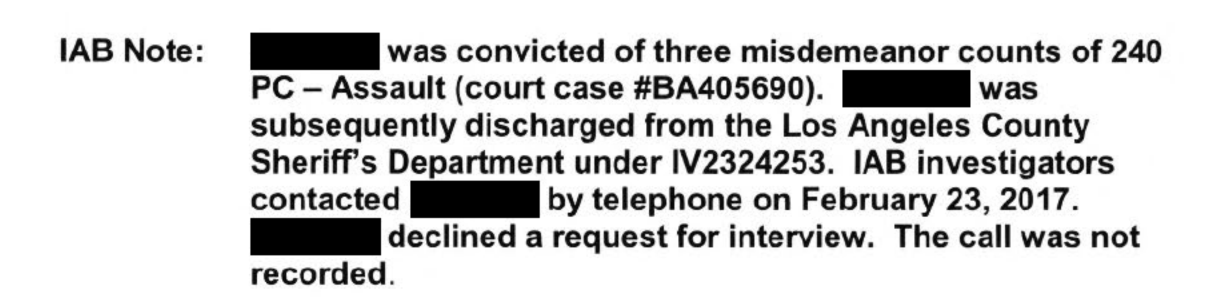
Subject [redacted] contacted Subject Guerrero regarding the force incident. Subject Guerrero told Subject [redacted] he (Subject Guerrero) did not witness force, because he (Subject Guerrero) was on another floor and was not present when the force incident occurred. Subject [redacted] contacted Subject Guerrero a second time, because Witness [redacted] said Subject Guerrero was present when the incident occurred **[Exhibit D]**. Subject Guerrero denied being present when the incident occurred **[Refer to Subject [redacted] transcribed IAB interview, pages 11-13]**.

Subject [redacted] said he believed the statements given to him by [redacted], Subject [redacted] and Subject Guerrero. Subject [redacted] had no reason to believe they gave untruthful statements. Subject [redacted] said he did not orchestrate a cover-up regarding the force incident **[Refer to Subject [redacted] transcribed IAB interview, pages 17-19]**.

IAB Note: Subject [redacted] did not testify in any of [redacted] court proceedings.

October 10, 2012, an employee (Deputy Adam Nelson) working at TTCF informed Subject [redacted] that Subject Guerrero was relieved of duty. Subject [redacted] sent text messages to Subject Guerrero and Subject [redacted]. The purpose of his text messages was to check on their wellbeing, because they were his former employees. Subject [redacted] contacted Subject Guerrero via telephone. Subject Guerrero told Subject [redacted] he (Subject Guerrero) was relieved of duty, because he (Subject Guerrero) lied during a force incident. Subject [redacted] was advised he handled the force incident. Subject [redacted] did not recall the force incident during the phone conversation. Subject [redacted] and Subject Guerrero began conversing about issues in their personal lives. Subject [redacted] said he never called Subject [redacted] or [redacted] during the ICIB investigation **[Refer to Subject [redacted] transcribed IAB interview, pages 14-15, 17, and page 20]**.

INTERNAL AFFAIRS BUREAU
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IAB Note: **[redacted] was convicted of three misdemeanor counts of 240 PC – Assault (court case #BA405690). [redacted] was subsequently discharged from the Los Angeles County Sheriff's Department under IV2324253. IAB investigators contacted [redacted] by telephone on February 23, 2017. [redacted] declined a request for interview. The call was not recorded.**

May 26, 2017

Deputy Alexander Guerrero, #[redacted] Date of Department Hire 05/12/2008
[redacted]

Dear Deputy Guerrero:

On April 19, 2017, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2323173. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on May 24, 2017.

An investigation under File Number IAB 2323173, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. [redacted] and/or 3-01/040.70, False Statements; [redacted] on or about June 29, 2011, while on-duty, you provided false information to a supervisor, and in a use of force/supplemental report, and/or failed to perform to standards established for your position, as evidenced by but not limited to:

a. making false statements to Sergeant [redacted] by stating that you were not present during a use of force incident; and/or,

b. making false statements to Sergeant [redacted] by stating that you had been escorting inmates back to their assigned housing locations during a use of force incident, and/or words to that effect; and/or,

c. making false statements to the watch commander, former Lieutenant David Bobo, by stating, "I wasn't there;" when asked if you witnessed a use of force incident; and/or,

d. discussing the incident with former Deputy [redacted] and Custody Assistant [redacted] and collectively agreeing that you would remove yourself from the incident; and/or,

e. failing to verbally report witnessed force by former Deputy [redacted] and Custody Assistant [redacted] against Inmate [redacted]; and/or,

f. failing to properly report witnessed force by former Deputy [redacted] and Custody Assistant [redacted] against Inmate [redacted] in a supplementary report.

2. That in violation of the Manual of Policy and Procedures Sections 3-01/040.70, False Statements; and/or [redacted] on or about October 10, 2012, and October 25, 2012, you omitted information, provided false or misleading statements during an Internal Criminal Investigation and/or obstructed an on-going criminal investigation, as evidenced by but not limited to:

a. making false statements, on October 10, 2012, that you were in the transfer center booth when you heard a noise, looked out the booth window, and witnessed former Deputy [redacted] "taking Inmate

[redacted] to the ground," and/or words to that effect; and/or,

b. providing conflicting statements during the ICIB interviews regarding your observations of Deputy [redacted] use of force on Inmate [redacted]; and,

c. making false statements, on October 25, 2012, that you reported the force you witnessed to Sergeant [redacted] who said "you weren't there. You didn't see anything, you're out of this;" and/or words to that effect.



[redacted]

4. That in violation of the Manual of Policy and Procedures Section 3-01/040.75, Dishonesty/Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about March 7, 2017, you made false statements during an Internal Affairs Investigation, as evidenced by but not limited to:

a. stating "Yes Sir," when you were asked " did anyone tell you not to write a supplemental report on your actions of what you witnessed;" and/or,

b. stating, "Sergeant [redacted] when asked who instructed you to not document a witnessed force incident; and/or,

c. stating Sergeant [redacted] said "stay out and let [redacted] and [redacted] handle the paper," when witnessed force was reported to Sergeant [redacted].

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 500 W. Temple Street, Room 522, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

STEPHEN B. JOHNSON, CHIEF
CUSTODY SERVICES DIVISION – SPECIALIZED PROGRAMS

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

SBJ:KM:JSW:jp

cc: Advocacy Unit
Stephen B. Johnson, Chief, Custody Services Division – Specialized Programs
Laura E. Lecrivain, Captain, Twin Towers Correctional Facility
Internal Affairs Bureau
Kimberly L. Unland, Captain, Personnel Administration
Doreen Garcia, Pay and Leave Management

(Attachment)

CIVIL SERVICE RULES

"4.02 Petition for Hearing

Such petition shall be in writing, signed by the petitioner, or the petitioner's representative, and shall give the signer's mailing address and specify the ruling or action appealed and in plain language and in detail sufficient facts and reasons upon which the petitioner's case is based."

"4.05 Time Within Which Petition Must be Filed

A. Unless otherwise provided in these Rules, a petition for hearing before the commission must be filed within the following time limits:

    1. In a discharge, reduction or suspension over five days within fifteen (15) business days after service of letter of discharge, reduction or suspension of over five days;

    2. In all other matters except as provided in Rule 6.07, not later than ten (10) business days after the ruling or order complained of.

B. Commission may extend the time limits for filing a petition only after consideration of a showing of good cause for the delay which has been submitted in writing. If the commission extends the time limits, the commission shall specify the facts which the commission deems to constitute good cause. The filing of a departmental grievance or an appeal in another jurisdiction, such as the Employee Relations Commission, shall not constitute good cause for extending the time limits for filing a petition with the commission."

(Attachment)

CIVIL SERVICE RULES

"18.02 Discharge or Reduction

A. A permanent employee may be discharged from County service or reduced in rank or compensation after appointment or promotion is complete, and after completion of the employee's first probationary period (except as provided in Rule 18.06). Before such discharge or reduction shall become effective, the employee shall receive a written notice from the appointing power of intent to invoke discharge or reduction, and specific grounds and particular facts therefor. The employee shall then be allowed a reasonable time, not to exceed ten (10) days, to respond orally or in writing to the appointing power before the discharge or reduction shall become effective.

B. When a permanent employee is discharged or reduced, the employee shall be allowed fifteen (15) business days from date of service of said notice of discharge or reduction in which to reply thereto in writing and request a hearing before the Commission. Notice of the time allowed for answer and for requesting a hearing before the Commission shall be stated in the notice of discharge or reduction. The appointing power shall submit to the Commission evidence showing that the employee has been served with the notice of discharge or reduction either personally or by certified or registered mail addressed to the employee's last known address, and the date of such service.

C. The Commission may not consider any information or charges made by the appointing power unless they are contained in the letter of discharge or reduction, nor any made by the employee unless the employee has previously provided them to the appointing power for consideration, unless such information or charges were not then known and could not reasonably have been expected to be known by the appointing power or the employee. The Commission shall determine whether or not the discharge or reduction is justified."

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3-01/030.10 OBEDIENCE TO LAWS, REGULATIONS, AND ORDERS

a) Members shall not willfully violate any federal statute, state law or local ordinance,

b) Members shall conform to and abide by the following:

- Charter of Los Angeles County,
- Los Angeles County Code,
- Rules of the Department of Human Resources,

c) Members shall obey and properly execute all lawful orders issued by any supervisor of higher rank or classification or who is officially acting in such capacity,

d) When assigned to duty with another member of the Department, an employee shall be subject to disciplinary action for any violation by the other member of any provision of this chapter unless the employee was unaware of the violation or unless the employee, if the situation permits safe and prudent action, attempts in good faith to prevent the violation and, at the earliest reasonable time, reports the violation to his supervisor,

e) Members, who violate any rules, regulations, or policies of the Department or the County, shall be subject to disciplinary action. The commission or omission of any other act contrary to good order and discipline shall also be the subject of disciplinary action,

f) Members, who are arrested or detained for any offense, or named as a suspect, other than an infraction under the Vehicle Code, shall immediately notify their immediate supervisor or Watch Commander of the facts of the arrest or detention or allegation.

After business hours, if the member is unable to contact their immediate supervisor or Watch Commander at the Unit of Assignment, the member shall contact Sheriff's Headquarters Bureau and request immediate notification to their Unit Commander. The member shall provide details of the arrest or detention to Sheriff's Headquarters Bureau, including alleged charge(s), location, police agency jurisdiction, and return phone number where the member can be reached, for relay to the Unit Commander. The Sheriff's Headquarters Bureau member receiving notification shall immediately notify the employee's Unit Commander.

The Unit Commander shall immediately notify Internal Affairs Bureau. The employee's Unit Commander shall immediately respond to the member's location if the member is arrested and taken into custody.

According to the nature of the offense and in conformance with the rules of the Department of Human Resources, disciplinary action may result and may include, but is not limited to, the following:

- A reprimand (written),
- Suspension without pay,
- Reduction in rank,
- Dismissal from the Department.

NOTE: For purposes of this section, any reference to "members" shall include any member of the Department, both sworn and professional staff.